

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA for the use
and benefit of PAPICH CONSTRUCTION
COMPANY, INC., and PAPICH
CONSTRUCTION COMPANY, INC.,

Plaintiffs,

v.

ENDURANCE ASSURANCE
CORPORATION and TRADE WEST
CONSTRUCTION, INC.,

Defendants.

Case No. 6:25-cv-00273-MTK

OPINION AND ORDER

KASUBHAI, United States District Judge:

Plaintiffs bring contract claims arising from a building and construction dispute. Count One alleges violation of 40 U.S.C. §§ 3131 *et seq.* (“Miller Act”). Compl. ¶¶ 44–54, ECF No. 1. Count Two alleges breach of contract. Compl. ¶¶ 55–63. The Court’s subject matter jurisdiction was based on the federal question raised by Plaintiffs’ claim under the Miller Act. On June 9, 2025, the parties filed a Stipulated Motion to Dismiss the Miller Act claim with prejudice and without costs. ECF No. 27. On June 9, 2025, the parties also filed a Stipulated Motion to Remand to State Court. ECF No. 28.

Under Fed. R. Civ. P. 41(a)(1)(A)(ii), the Miller Act claim is dismissed with prejudice and without costs, and the parties' Stipulated Motion to Dismiss (ECF No. 27) is GRANTED. Given the procedural posture of this case, the Court declines to exercise supplemental jurisdiction over the breach of contract claim and the parties' Stipulated Motion to Remand (ECF No. 28) is GRANTED. The Motions to Dismiss (ECF Nos. 23 and 24) are DENIED as MOOT. This case is REMANDED to the California State Court, San Luis Obispo County, Civil Division for all further proceedings.

IT IS SO ORDERED.

DATED this 17th day of June, 2025.

/s/Mustafa T. Kasubhai
Mustafa T. Kasubhai (he/him)
United States District Judge